UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE DISTRICT COUNCIL 9 PAINTING INDUSTRY INSURANCE AND ANNUITY FUNDS,

Index No.: 07-CIV-11029 (CLB)

Plaintiffs,

VOLUNTARY NOTICE OF DISMISSAL & ORDER

-against-

WJD PROPERTIES, INC. and 711 NEW YORK PAINTING & DECORATING CO., INC.,

Defendants.

Please take notice that pursuant to Federal Rules of Civil Procedure 41(a)(1)(i) the plaintiffs by the undersigned attorney of record hereby voluntarily dismisses the above entitled action.

Dated: May 21, 2008

Elmsford, New York

Attorney for Plaintiff

258 Saw Mill River Road

Elmsford, New York 10523

(914) 592-1515

SO ORDERED May 21, 2009